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BOOK REVIEWS

A Treatise on the Law of Corporations Having a Capital Stock.

By William W. Cook. Seventh edition. Boston: Little, Brown and Company. Five volumes. Pp. lxii, 4984.

This work is so well and favorably known to the profession that it is unnecessary to point out its merits in the field intended to be covered by the author. In the earlier editions it has been used profitably by practicing lawyers, and the seventh edition is a successful and complete extension of the work by the citation and consideration of the latest decisions, thereby adding three hundred and sixty-five pages to the text. The author adheres to the plan that has made his book a standard of reference in corporation law. An accurate statement of the law, rather than a theoretical discussion of principles, has been his aim and it is this that has helped to make the book of such great practical benefit. Authorities from every jurisdiction may be found carefully digested in the voluminous notes, the total number of cases thus considered totaling sixty thousand.

The last volume of the new edition contains a collection of forms which will doubtless prove of service. The forms are ninety-one in number and include copies of the papers used by a number of the great industrial combinations and corporations.

It can be said without qualification that *Cook on Corporations* presents the most complete statement of corporation law in the United States.

P. R. B.

Commentaries on the Law of Evidence in Civil Cases. By Burr W. Jones. Rewritten and Annotated by L. Horwitz, of the San Francisco Bar. Pp. Vol. I. xxxvi 1031, Vol. II, x 1071, Vol. III, x 1036, Vol. IV, ix 976, Vol. V, vi 1157. Bancroft-Whitney, San Francisco. 1913-14.

It is perhaps a safe presumption that any book that runs through two editions has some merit. The first edition of Professor Jones' work appeared in 1896 and was followed by that of 1908 and three years later by a pocket edition, all of which are well known to the profession. As to form and substance it is somewhat difficult to recognize in this five-volume work—the Blue Book of Evidence, as it is called—the older editions, for it

is monumental in its scope, covering over six thousand pages, with citations to approximately fifty thousand leading cases.

The work is practically an encyclopedia of the law of evidence and will be valuable chiefly to practicing lawyers in the trial of civil cases. It is thorough in that all phases of the subject are treated and are fortified with citations from many jurisdictions.

But it is *not* a commentary. In that the title is misleading. No one need turn to it with the expectation of finding therein a disquisition upon the reasons for or the merits of the rules of evidence. The author states the rules as they are applied in the courts and probably that is all that is necessary or all that can be expected. But the title should be modified in this respect.

The title is also misleading in another particular. It purports to be a treatise on the Law of Evidence in Civil Cases, while as a matter of fact numerous phases of Criminal Evidence are taken up in detail, and in many instances the citations supporting a rule purely applicable to one branch of the law are indiscriminately placed together. Neither of these defects is of vital consequence, but it is submitted that the title should so far as possible inform the reader correctly as to the nature and scope of the contents.

It has been said by one of the prominent teachers of the Law of Evidence that the worth of a treatise upon the subject may be judged by its treatment of the famous case of *Sugden v. St. Leonards*. That case did not decide that *subsequent* statements of a testator are admissible to prove the contents of a lost will. It was not necessary to the decision of the case that it should touch upon that point at all, and whatever was said as to subsequent statements was purely *obiter*. This, however, many courts and writers have failed to note and the case has often been cited as authority for that point. Mr. Horwitz has unfortunately committed this same error.

In spite, however, of the faults that have been pointed out, the work is really an excellent one, and the practising lawyer who wishes the last word upon the numerous topics covered will find it extremely valuable.

H. S.

Bradbury's Workmen's Compensation and State Insurance Laws.

By Harry B. Bradbury, of the New York Bar. Second Edition. Vol. I, lxxxii, No. 1052,—Vol. II, 1053-2476. Banks Law Publishing Co. New York. 1914.